

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | |
|---------------------------------------|-------------------------------------|
| IN RE: |) Case No. 20-21595-GLT |
| Majestic Hills, LLC, |) |
| Debtor, |) Chapter 11 |
| Christopher Phillips, and |) |
| Elizabeth Phillips, husband and wife, |) Adversary No. 20-02089-GLT |
| Plaintiffs, |) |
| vs. |) Related to Document No. 1 |
| Majestic Hills, LLC; NVR, Inc. d/b/a |) |
| Ryan Homes; Pennsylvania Soil and |) Document No. 3 |
| Rock Incorporated; Mark R. Brashear; |) |
| Alton Industries, Inc.; Joseph N. |) |
| DeNardo d/b/a JND Properties, LLC; |) |
| and Shari DeNardo, |) |
| Defendants. |) |

**EXHIBIT "A" TO NOTICE OF REMOVAL OF
STATE COURT CIVIL ACTION TO BANKRUPTCY COURT**

Attached is the Praeipe for Writ of Summons filed by Christopher Phillips and Elizabeth Phillips in the Court of Common Pleas of Washington County on October 29, 2018.

Respectfully Submitted,

DATE: June 2, 2020

BY: /s/ Donald R. Calaiaro
Donald R. Calaiaro, PA I.D. #27538
dcalaiaro@c-vlaw.com

CALAIARO VALENCIK
938 Penn Avenue, Suite 501
Pittsburgh, PA 15222-3708
(412) 232-0930

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

WASHINGTON

County

For Prothonotary Use Only:

Docket No:

2018-6037

2018 OCT 26 PM 12:08
PROTHONOTARY
WASHINGTON CO. PA

FILED

ATTY PCL
\$137.75

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:

- ☐ Complaint
 ☒ Writ of Summons
 ☐ Petition
 ☐ Declaration of Taking

Lead Plaintiff's Name:

Christopher Phillips

Lead Defendant's Name:

Majestic Hills, LLC

Are money damages requested? ☒ Yes ☐ NoDollar Amount Requested: ☐ within arbitration limits
☒ outside arbitration limits (check one)Is this a Class Action Suit? ☐ Yes ☒ NoIs this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney:

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/Defamation
☒ Other: Negligence

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

- ☐ Employment Dispute: Discrimination
☐ Employment Dispute: Other

☐ Other:

CIVIL APPEALS

- ☐ Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

- ☐ Zoning Board
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
☐ Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

**CHRISTOPHER PHILLIPS and
ELIZABETH PHILLIPS**

CIVIL DIVISION

Plaintiffs,

No. 2018-6037

vs.

**MAJESTIC HILLS, LLC; NVR, INC. d/b/a
RYAN HOMES; PENNSYLVANIA SOIL
AND ROCK INCORPORATED; MARK R.
BRASHEAR; ALTON INDUSTRIES, INC.;
JOSEPH N. DENARDO d/b/a J.N.D.
PROPERTIES; and SHARI DENARDO**

**PRAECIPE FOR WRIT OF
SUMMONS**

Filed on behalf of Plaintiffs:
Christopher and Elizabeth Phillips

Defendants.

Counsel of Record for this Party:
Jeffrey P. Myers, Esquire
Pa. I.D. No. 90677

Joshua D. Brown, Esquire
Pa. I.D. No. 315339

Myers Law Group, LLC
17025 Perry Highway
Warrendale, PA 15086
724-778-8800 (Telephone)
724-779-9650 (Facsimile)

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

**CHRISTOPHER PHILLIPS and
ELIZABETH PHILLIPS**

CIVIL DIVISION

Plaintiffs,

No. 2018-6037

vs.

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RYAN HOMES; PENNSYLVANIA SOIL
AND ROCK INCORPORATED; MARK R.
BRASHEAR; ALTON INDUSTRIES, INC.;
JOSEPH N. DENARDO d/b/a J.N.D.
PROPERTIES; and SHARI DENARDO**

Defendants.

PRAECIPE FOR WRIT OF SUMMONS

To: PROTHONOTARY

Kindly issue a WRIT OF SUMMONS IN A CIVIL ACTION in the above-captioned matter against Majestic Hills, LLC; NVR, Inc. d/b/a Ryan Homes; Pennsylvania Soil and Rock Incorporated; Mark R. Brashear; Alton Industries, Inc.; Joseph N Denardo d/b/a J.N.D. Properties; and Shari Denardo.

The amount in controversy greater than FIFTY THOUSAND (\$50,000.00) DOLLARS.

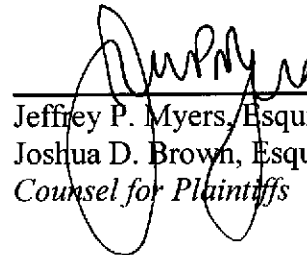
Thank you.

Respectfully submitted,

MYERS LAW GROUP, LLC

Date: October 26, 2018

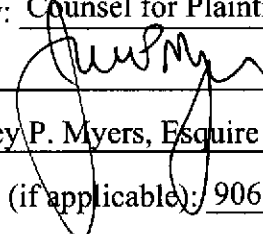
By:



Jeffrey P. Myers, Esquire
Joshua D. Brown, Esquire
Counsel for Plaintiffs

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Counsel for Plaintiffs
Signature: 
Name: Jeffrey P. Myers, Esquire
Attorney No. (if applicable): 90677

The Commonwealth of Pennsylvania

County of Washington

CHRISTOPHER PHILLIPS and
ELIZABETH PHILLIPS

Plaintiffs,

VS

SUMMONS – CIVIL ACTION
NO. 2018-6037

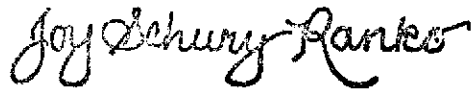
MAJESTIC HILLS, LLC; NVR, INC. d/b/a
RYAN HOMES; PENNSYLVANIA SOIL
AND ROCK INCORPORATED; MARK R.
BRASHEAR; ALTON INDUSTRIES, INC.;
JOSEPH N. DENARDO d/b/a J.N.D.
PROPERTIES; and SHARI DENARDO

Defendants.

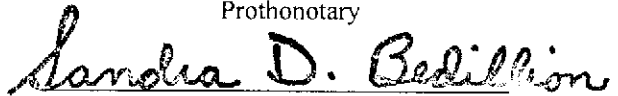
To: MAJESTIC HILLS, LLC; NVR, INC. d/b/a RYAN HOMES; PENNSYLVANIA SOIL
AND ROCK INCORPORATED; MARK R. BRASHEAR; ALTON INDUSTRIES, INC.;
JOSEPH N. DENARDO d/b/a J.N.D. PROPERTIES; and SHARI DENARDO:

You are notified that CHRISTOPHER PHILLIPS and ELIZABETH PHILLIPS,
the Plaintiffs, have commenced a WRIT OF SUMMONS against you.

Date 10-26-2018



Prothonotary



Deputy Prothonotary

JOY SCHURY RANKO, PROTHONOTARY
My Term Expires First Monday in January, 2020

No. 2018-6037

CHRISTOPHER PHILLIPS and
ELIZABETH PHILLIPS

Plaintiffs,

VS

MAJESTIC HILLS, LLC; NVR, INC. d/b/a
RYAN HOMES; PENNSYLVANIA SOIL
AND ROCK INCORPORATED; MARK R.
BRASHEAR; ALTON INDUSTRIES, INC.;
JOSEPH N. DENARDO d/b/a J.N.D.
PROPERTIES; and SHARI DENARDO

Defendants.

WRIT OF SUMMONS

Issued on 10-26-2018

Jeffrey P. Myers, Esquire

Attorney for Plaintiff
17025 Perry Highway
Warrendale, PA 15086

4158